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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,604	04/16/2004	Aaron Hobart	55616.107558	1194

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/826,604	Applicant(s) HOBART, AARON	
	Examiner Jeff H. Aftergut	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3, 6, 7, 18-20, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Nishanen (newly cited).

The admitted prior art taught that it was known at the time the invention was made to form a waterproof membrane from a polymer film base onto which one applied an asphaltic material to one side of the polymer base. After the application of the asphaltic material to the base, a top film was applied to the waterproof material thereby sandwiching the waterproof material between the top film and the base sheet. The waterproof membrane so formed was then cooled, accumulated and fed to a winder. Typically, the membrane was cut in half longitudinally prior to being wound for storage at the winder where the two parallel membranes were wound onto adjacent paper cores. The admitted prior art suggested that the winding operation was a manual operation where the leading edge of the membrane extending from the winder pull rolls was hand taped or otherwise secured to the core. Upon completion of the winding of the membrane for storage, the trailing edge was cut manually and the trailing edge was secured to the roll to prevent unwinding of the same manually. The admitted prior art failed to teach apparatus for automatically applying an adhesive to the core or along the width of the membrane wherein the applicator traversed the core parallel to the axis of the core.

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Niskanen suggested that those skilled in the art of attaching a leading end of a web to a core in a web winding operation to apply adhesive to the core with a device which traversed the core located where the core was located. More specifically, Niskanen suggested that those skilled in the art would have employed an applicator head 12 which was associated with a body part 11 which traversed the length of the core along direction A to apply adhesive to the core tube 19, see Figures 1 and 2. The reference taught that this was provided in order to provide a mechanical means for provision of the adhesive application which would have facilitated the quick and speedy placement of the web upon the core for winding the web thereupon. The reference additionally suggested that the processing therein (the device) would have been useful for the application of the adhesive upon the web whereby the end (the tail) of the web was able to be secured to the completed roll of material, see column 3, lines 21-25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an applicator in accordance with the device of Niskanen in the system for winding a waterproof sheet material as the sheet material was known to have been secured to the core with adhesive and the end of the roll was likewise known to have been secured with an adhesive and one skilled in the art would have desired to automate the attaching operation (as such would have eliminated the need for manual labor associated with securing the ends of the sheet material).

Regarding claim 2, 3, 19 and 20, the reference clearly suggested the one moved the adhesive applicator across the web along a carriage and those skilled

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in the art were well aware of automated control for controlling the movement of such a carriage. Additionally, automated control to control the movement of a carriage with an associated applicator is taken as conventional in the art and its use in the automated changeover system of Niskanen would have been obvious to those skilled in the art. It should be noted that the Office previously took the control systems as conventional in the art and applicant failed to properly traverse the same. As such, applicant has acquiesced to the same. Regarding claims 6, 7, 23, and 24, note that the material worked upon an apparatus is given little weight therein. Additionally, note that the admitted prior art suggested the system for forming the specified waterproof membrane. Regarding claim 25, note that the reference to Niskanen suggested the application of adhesive material to both the leading edge and the trailing edge of the web with the stripes 44, 44'.

3. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Fujiwara (newly cited).

The references as set forth above in paragraph 2 suggested the overall device for taking up the web of material, however there is no indication that one skilled in the art would have employed a cutting device which was disposed on an arm and which traversed the web in order to sever the same at the location where the core was located. It should be noted that the web material must be cut off when one reaches the desired size of the wound roll of material so that the end portion can be attached to the end of the roll of material. The references did

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not expressly depict or describe the specific mechanical means used to sever the web in this operation.

The reference to Fujiwara suggested that in a web take up mechanism wherein one was forming rolls of material, it was well known at the time the invention was made to provide a knife which was responsible for severing a web of material along the length of the same wherein the blade was moved across the web in order to sever the same, see Figures 1-5 and the description of the same. Clearly, those versed in the art of forming a wound web on a rotating core would have understood that the end and the start up of a fresh core would have required that the web was severed prior to the winding up of the same and additionally would have incorporated a severing means which included a knife which traversed the web (as a useful means to sever the web) at a location adjacent where the core was located and which included a blade carried by an arm therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the cutting means of Fujiwara in the system for winding up the waterproof sheeting materials as set forth above in paragraph 2 as one would have found it necessary to sever the web and the reference to Fujiwara provided a suitable means for performing such severance.

4. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 3 further taken with Gangemi for the same reasons as expressed in paragraph 3 of the Office action dated January 19, 2007.

The prior art as expressed above failed to express that the adhesive applicator and the cutting mechanism were associated with the same traversing mechanism which went across the web to apply the adhesive and sever the web. However as expressed above, both of the references to Niskanen and Fujiwara suggested that one would have associated an applicator and a cutter with a traversing mechanism adjacent the core which was to be wrapped, however neither suggested that both the cutter and the adhesive applicator would have been disposed on the same arm mechanism which traversed the web. However, it was known as evidenced by Gangemi to include a cutting mechanism (a laser cutter) and an adhesive applicator on the same traversing mechanism when providing for the wind up of web material in a set change of a winder. More specifically, cutting mechanism 34 and adhesive applicator 30 were disposed on the same carriage mechanism 38 which traversed the web in the processing where one applied adhesive to the web and severed the same during winding of the web onto a core. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a cutting mechanism and an adhesive applicator on the same carriage which traversed the web as taught by Gangemi as it was known to provide an applicator which traversed the web on a carriage and it was additionally known to provide a cutter which traversed the web on a carriage (separate carriages) whereby the use of a single carriage would have simplified the equipment necessary to perform the operation of adhesive dispensing and cutting in the system for winding a web of material on a core for collection of the same as set forth above in paragraph 3.

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5. Claims 2, 3, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with Rodriguez et al for the same reasons as expressed in paragraph 4 of the Office action dated 1-19-07.

6. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 3 further taken with Rodriguez for the same reasons as expressed in paragraph 4 of the Office action dated 1-19-07.

7. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with Rodriguez et al for the same reasons as expressed in paragraph 4 of the Office action dated 1-19-07.

Election/Restrictions

8. Claims 8-17 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12-7-06.

Response to Arguments

9. Applicant's arguments with respect to claims 1-7, 18-25 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the argument that the reference to Gangemi is non-analogous, the applicant is advised that the reference is clearly related to processing

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involving the take up and winding of a web of material upon a core and that the material worked upon in an apparatus claim is of little or no import for the patentability of the same. The claims at hand do not specify specific structure which would have made it clear that the mechanisms of the prior art were not capable of processing the material being wound herein (i.e. there is nothing recited in the apparatus which renders it special for working of the web of waterproof material as opposed to a web of paper). The applicant is advised that the references are related to the same field of endeavor (the apparatus used in the take up of material on a core in the winding of the same) and are thus clearly analogous prior art.

The applicant has failed to address the reference to Rodriguez and it is therefore believed that applicant agrees with the Office interpretation of the reference. Additionally, the applicant has not traversed the establishment that it was conventional to control a carriage which traversed a web in the win up of material (see paragraph 3 of the Office action dated 1-19-07). As such, applicant has acquiesced to the same.

The applicant is advised that Gangemi did not apply the adhesive material directly onto the core and this is the reason for the new ground of rejection. It should be noted that claim 18 as presented does not require the application of the adhesive upon the core but rather recites that the adhesive was applied to the web with the device. Applicant's argument that the device set forth by Gangemi was not disposed adjacent the core for application of adhesive thereto

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and or adjacent to the winding up mechanism is not persuasive as the claims as presented are not commensurate in scope with applicant's arguments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeff H. Aftergut
Primary Examiner

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JHA

May 31, 2007